



City of Mukilteo, Washington
Notice of Decision
for
**Pianalto Single-Family
Residence Reasonable Use
Permit**

The City of Mukilteo has issued a Notice of Decision for a Project Permit as required by Regulatory Reform Act (RCW 36.70B.130) and Mukilteo Municipal Code (MMC 17.13.080), and has **APPROVED** the following project:

Project Name: Pianalto Single-Family Residence Reasonable Use Permit

Proponent: Greg Pianalto

Project Number: SFR-RUP-2014-002

Description of proposal: Construction of a single-family residence with associated grading, driveway access, and drainage improvements on an existing 15,905 square foot lot in the RD 12.5(S) zoning district. The property is encumbered with wetlands therefore the applicant is asking for a reduction in the required buffer widths.

Project Location: CHENNAULT BEACH BLK 013 D-00 - ALL LOT 18; otherwise known as 10601 Macarthur Lane, Mukilteo, Washington.

Notice of Decision Date: Monday, July 18, 2016

End of Appeal Period: Monday, August 1, 2016

Project Permit Expiration Date: July 18, 2019

Project Decision: Approved with conditions

Project Decision

Staff administratively reviewed this project for consistency with the policies, standards, and regulations of the City of Mukilteo. After considering comments by the public or other agencies, the project permit is hereby approved with conditions based on the following Findings of Fact, and subject to the following Conditions of Project Approval:

FINDINGS OF FACT

1. The applicant submitted an application for construction and site development of a single-family residence under the reasonable use provisions in MMC 17.52.025, with associated grading, driveway access, and drainage improvements. The application was determined to be complete on December 2, 2014.
2. In accordance with Mukilteo Municipal Code (MMC) 17.13, a Notice of Application was issued on December 8, 2014 and a revised Notice of Application was issued on March 17, 2016 as the scope of the project changed from a public hearing process to an administrative review process. The project was circulated for review in accordance with the City's normal review and permitting procedures.
3. The property is designated single-family residential per the 2015 City of Mukilteo Comprehensive Plan. The proposal complies with the intended goals, objectives and policies of the Comprehensive Plan. The following Comprehensive Plan Land Use and Critical Areas Policies apply to this project:
 - LU2: Development regulations and standards that improve the quality of life of Mukilteo residents and promote the city's single-family residential character should be adopted.
 - LU9: The city shall manage and regulate development in critical areas and the shoreline to allow reasonable and appropriate uses in those area areas while protecting them against adverse effect and shall regularly evaluate these regulations and programs to ensure they continue to use the best available science to protect environmentally sensitive areas from negative impacts associated with development.
4. The subject property is located at 10601 Macarthur Lane and is zoned Single-Family Residential minimum 12,500 square foot lots (RD 12.5(S)).
5. The proposed development of a single-family residence is a permitted use in the RD12.5(S) zoning district.
6. Pursuant to the State Environmental Policy Act, the City of Mukilteo was designated as the lead agency for review of the proposed development. A Determination of Non-Significance (DNS) was issued on June 2, 2016 for the proposal. The DNS was based on SEPA Checklist dated November 19, 2014, Critical Area Study and Buffer Mitigation Plan dated October 20, 2014, October 22, 2015 and May 19, 2016, prepared by Wetland Resources, Inc. and Geotechnical Reports dated August 7, 2013 and October 22, 2015, prepared by HWA GeoSciences, Inc. No appeal of the SEPA determination was submitted and the threshold determination stands as issued.
7. Staff administratively reviewed this project for consistency with all applicable requirements of the Mukilteo Municipal Code that apply to the subject property. Based on this review, it has been determined that development of the site will conform to all applicable zoning and development standards, and that as conditioned, the project will have no adverse impacts to the public health, safety and general welfare.
8. The proposal complies with use, area, lot dimension, landscaping and parking requirements of the **RD 12.5(S)** zoning district:

Regulation	Requirement	Submitted
Height (MMC 17.20)	35'	34.92'
Front setback (MMC 17.20)	20'	108'
Rear setback (MMC 17.20)	5'	5.5'
Side setbacks (MMC 17.20)	5' 5'	32.5' – north 5' – south
Lot Coverage (MMC 17.20)	35%	19%
Parking (MMC 17.56)	2 stalls	3-car garage

9. The proposal complies with the reasonable use provisions under MMC 17.52.025(B) due to wetlands on the property.

Criteria	Analysis	Meets Criteria
Use has least impact to critical area/buffer.	The on-site wetland and associated buffers covers about 75% of the subject property. Because of this, strict application of the standards set forth in MMC 17.52.025 would prohibit a reasonable development on the site. The proposal is intended to allow the applicant reasonable use of his property by constructing an access driveway and a single-family residence on the site.	YES
No on-site alternative to proposed activity with less adverse impacts to the critical area and/or buffer.	<p>The lot is allowed one single-family residence. The applicant has redesigned the house size to ensure that the footprint is within the acceptable size range that is typical of other reasonable use applications in Mukilteo. The footprint is smaller than other homes in the neighborhood.</p> <p>All other on-site alternatives have been explored. No wet weather work is to occur per the Geotechnical Report. The width of the driveway was reduced to</p>	YES

	<p>have the least impact on the wetland.</p> <p>The house and driveway are being placed as far as possible from the wetland.</p>	
No practical alternatives for development.	Storm drainage and home design have been carefully considered to ensure the least amount of impact on the site.	YES
Mitigated to the maximum practical extent.	<p>The applicant is proposing to enhance 5,790 square feet of buffer area that remains on the site and 2,800 square feet of wetland.</p> <p>Enhancement will involve removal of invasive species and then densely planting the designated area with a diversity of native species. Buffer enhancement plantings may function to improve soil stability downslope of the house as well as minimize pollutants and sediments in the runoff flowing through the site. Other benefits include, increased screening and protection that would benefit the habitat functions within the wetland.</p>	YES
No material damage to nearby property and no threat to the health or safety of people.	<p>The footprint proposed and the geotechnical recommendations have been designed to reduce to the maximum extent possible effects on neighboring property and people.</p> <p>The single-family residence will be designed to meet the International Building Code as adopted by the City of Mukilteo.</p> <p>There will be no impact to adjacent properties or public right-of-way, as conditioned.</p>	YES
Complies with all local, state, and federal laws.	<p>The proposal meets the requirements of the Mukilteo Municipal Code and the City's Development Standards.</p> <p>No State or Federal permits are required for this single-family residential permit.</p>	YES
Not the result of	This reasonable use application was not caused by	YES

actions by the Applicant.	segregation or division of the property after 1992. The plat was recorded prior to being incorporated in to the city and before adoption of any critical area regulations.	
---------------------------	--	--

10. The proposal meets the criteria for an administrative Reasonable Use Permit MMC 17.52.025(C):

Regulation	Analysis	Meets Requirement
Decrease of $\leq 50\%$ required zoning setbacks	No zoning building setback reductions are proposed under the reasonable use provisions.	YES
Development on reasonable use lots shall leave at least 70% of the lot undisturbed to protect the critical areas.	4,770 square feet of the lot will be disturbed by the development, a total of 30% of the lot. This area includes the driveway. No direct, permanent impact to the wetland is proposed. The wetland and associated buffer will be put into a separate NGPA Tract.	YES
Driveway shortest and most direct route with minimal impact	Access to the property is from Macarthur Lane. The driveway will be 10' wide and is located as far from the wetland as possible. Engineering granted a deviation to reduce the width of the driveway. This will provide the minimum area needed for a driveway, and will have the least impact on the wetland.	YES

Regulation	Analysis	Meets Requirement
Decrease of \leq 50% required critical area buffers/setbacks	<p>There is a Category IV wetland on the property. The wetland and buffers encumber 75% of the lot. The associated buffer is 50'</p> <p>The applicant is proposing to reduce the buffer to 25' with on-site mitigation.</p> <p>This is a 50% reduction.</p>	YES

11. On site storm water detention meets the City's design standards per the Washington State Department of Ecology's Stormwater Management Manual for Western Washington (2012).
12. Utilities are available to serve the subject property. Water is available from the Mukilteo Water District. Sewer is available from the Mukilteo Sewer District. Electricity is available from Snohomish County PUD. Natural Gas is available from Puget Sound Energy.
13. Development of the site will be subject to the requirements of the 2012 International Building Code.
14. The property lies outside the 55 DNL noise contour of Paine Field Airport.
15. Staff administratively reviewed this project for consistency with applicable requirements of Mukilteo Municipal Code 15.04.040.3, adopted 2012 International Fire Code and Mukilteo Fire Development Standards (2012 IFC) that apply to the subject property.
16. Staff administratively reviewed this project for consistency with all applicable requirements of Mukilteo's Development Standards (Resolution 99-02 and Amending Resolutions 01-21, 07-14, 08-22 and 09-15), including but not limited to drainage, clearing, grading, erosion control, access and street standards.
17. The applicant obtained a Certificate of Concurrence from the City prior to permit issuance in accordance with Ordinance 1131, effective July 27, 2005.

CONDITIONS OF PROJECT APPROVAL

1. All improvements shall be constructed in accordance with the approved Site Plan dated April 13, 2016. Minor modifications of the plans submitted may be approved by the Planning Director if the modifications do not change the Findings of Fact or the Conditions of Approval.
2. Final engineering drawings depicting the drainage design shall be submitted to the City's Public Works Director for final review and approval before issuance of any grading permits. The street and drainage improvements shall be designed in accordance with the City's Development Standards.
3. The stormwater drainage is based on the project's total impervious square footage and shall not exceed 5,000 square feet.
4. Pin pile foundations shall be used. The project's stormwater proposal is conditioned on the use of pin pile foundations to allow dispersion of stormwater upgradient of the house.
5. Per the Geotechnical report dated October 22, 2015 and the Stormwater Pollution Prevention Plan dated January 13, 2016, no winter time grading is anticipated on this project. If winter time grading does occur with the project, then a new SWPPP will need to be submitted for approval by the City.
6. A permanent grant of access easement for drainage inspection shall be submitted before building permit issuance. A template is available from the City.
7. Wetland plantings shall be installed in accordance with the recommendations of the approved Buffer and Wetland Enhancement Plan dated May 19, 2016 prepared by Wetland Resources, Inc. and shall be subject the following:

- a.) To insure that the performance standards of the approved mitigation plan have been met, the mitigation and/or buffer enhancement site(s) shall be monitored for a minimum of five years. The monitoring period required by the city may be extended an additional two years if the wetland or buffer is not performing as expected by the mitigation or enhancement plan. The monitoring reports shall be submitted on August 1st of each year during the monitoring period.
 - b.) Maintenance Surety. A maintenance surety shall be required on all mitigation projects to ensure that the improvement successfully survives the monitoring periods set above.
 - c.) Wetland Mitigation Projects. The amount of the maintenance surety shall be equal to fifteen percent of the cost of the mitigation project and the term of the surety shall reflect that of the monitoring program.
 - d.) Buffer Enhancement Projects. The amount of the maintenance surety shall be equal to fifteen percent of the costs of the enhancement project and the term of the surety shall reflect that of the monitoring program.
 - e.) Monitoring Deposit. A cash deposit shall be submitted with all sureties prior to final acceptance of the project to cover the estimated city's costs to review the yearly monitoring reports and conduct a site inspection to ensure the performance standards are being met.
 - f.) To ensure the long term success of the wetland, the applicant or their heirs or successors shall be responsible for the long term maintenance of the wetland and its associated buffer. The wetland and buffer shall be kept clear of weeds, invasive plant material, lawn clippings, junk, debris, intrusions or the like
 - g.) Minor modifications of the wetland enhancement plan submitted may be approved by the Planning Director if the modifications do not change the findings of fact or the conditions of approval.
8. The significant trees to be retained shall be clearly delineated in the field. Barrier fencing or siltation fencing shall be installed before any site disturbance.
 9. The clearing limits of the approved Site Plan shall be clearly delineated in the field. Where such limits are in proximity to property boundaries or associated with site-sensitive areas, barrier fencing or siltation fencing shall be installed before site disturbance in accordance with the approved Temporary Erosion and Soil Control Plan.
 10. A Native Growth Protection Area (NGPA) shall be established on which development is prohibited, protected by execution of an easement, dedicated to a conservation organization or land trust or similarly preserved through a permanent protective mechanism acceptable to the City.
 11. Temporary signs shall be placed at the perimeter of the NGPA at 50-foot intervals during periods of construction, clearing, grading or excavation on adjacent property. The signs shall describe the limitations on site disturbance and development within the NGPA. Permanent signs shall be placed at the perimeter of the NGPA at 50-foot intervals describing the limitations on development.

12. There shall be no clearing, excavation, or fill within a native growth protection area shown on the face of this site plan, with the exception of required utility installations, removal of dangerous trees, thinning of woodlands for the benefit of the woodlands as determined by a certified landscape architect or arborist, and removal of obstructions on drainage courses, or as allowed under Section 17.52A.070, Vegetation management on steep slopes.
13. Siltation and erosion control measures shall be employed per the approved Temporary Erosion and Sediment Control Plan and as necessary to ensure appropriate on-site and off-site water quality control. Site runoff during construction shall be handled and treated as to quantity and quality impacts by utilizing Best Management Practices, as defined in the current DOE Stormwater Management Manual for Western Washington and the current Department of Ecology National Pollutant Discharge Elimination System (NPDES).
14. All development shall proceed in accordance with the recommendations listed in the Geotechnical Reports dated August 7, 2013 and October 22, 2015, prepared by HWA GeoSciences, Inc. The cost of special inspections, if any, as recommended by the report shall be the responsibility of the applicant.
15. The stormwater detention design and stormwater discharge shall utilize the Best Management Practices of the current DOE Stormwater Management Manual for Western Washington and the current Department of Ecology National Pollutant Discharge Elimination System (NPDES).
16. All public improvements associated with a project permit shall require the submittal of an acceptable warranty surety to warrant all required improvements against defects in labor and materials for a period of twenty-four (24) months after acceptance of those improvements by the City. The warranty amount shall be equal to fifteen (15) percent of the costs of the improvements and installation, as determined by the City. The surety shall be submitted to and approved by the City of Mukilteo and executed before occupancy of the building.
17. The applicant shall enter into a "Developer Extension Agreement" with the Mukilteo Water & Wastewater District. All construction of water and sewer facilities shall be in accordance with the standards, specifications and regulations of the District.
18. All mailbox locations must be approved and signed off by the U S Postal Service prior to permit issuance. Please contact the Growth Management Coordinator at 425.514.9843 to arrange an appointment.
19. The cost of any work, new or upgrade, to the existing electric system and facilities that is required to connect the project to the Snohomish County PUD electric system shall be in accordance with applicable Snohomish County PUD policies.
20. The following requirements shall be adhered to during construction and completed before occupancy of any structure in accordance with Fire Code Development Standards and 2012 International Fire Code:
 - A water supply capable of supplying the required fire flow for fire protection must be provided;
 - Fire hydrants shall be installed as per fire flow and spacing requirements specified for the type of development with regards to distances to structures;

- An access route, for fire fighting apparatus, must be provided at the start of construction. Minimum access route requirements include a 20' width, 13'6" vertical height clearance, and the ability to support a load up to 75,000 pounds;
 - All buildings must be addressed visibly and legibly from the road. When buildings are not visible from the street, appropriate provisions must be made to identify clearly which road or drive serves the appropriate address including private roads.
 - Fire protection systems including, but not limited to the following: sprinkler systems, standpipe systems, fire extinguisher systems, fire hydrants, and fire detection or alarm systems shall be installed in accordance with Fire Code Development Standards and 2012 International Fire Code.
 - Provide a Washington State certification number for any work done on fire protection systems, i.e. sprinkler systems, standpipe systems, fire detection/alarm systems or any underground for the fire protection system.
 - One (1) blue, square (Type II) raised grade or permanent marker shall be installed in the roadway to indicate each fire hydrant location. It shall be placed directly across from the hydrant location, off set one (1) foot from the roadway center toward the hydrant.
21. All construction equipment, building materials, and debris shall be stored on the applicant's property, out of the public right-of-way. In no case shall the access to any private or public property be blocked or impinged upon without prior consent from the affected property owners and the City of Mukilteo.
 22. All contractors and subcontractors working on the project described herein shall obtain a business license from the City before initiation of any site work.
 23. If at anytime during clearing, grading and construction the streets are not kept clean and clear, all work will stop until the streets are cleaned and maintained in a manner acceptable to the Public Works Director.
 24. Noise from construction activity that is audible beyond the property lines of the project site shall not be allowed between the hours of nine (9) p.m. to seven (7) a.m. on weekdays, seven (7) p.m. to nine (9) a.m. on Saturdays, Sundays and holidays.
 25. The applicant and contractor shall attend a pre-construction meeting with City staff to discuss expectations and limitations of the project permit before starting the project.
 26. The applicant shall have a licensed Civil Engineer prepare and/or supervise the preparation of As-Built drawings to be reviewed, approved and signed by the City Engineer upon satisfactory installation of the constructed infrastructure improvements and site work. One (1) reproducible, one (1) signed Mylar drawing and one (1) 11"x17" reduced copy of the drawings shall be submitted prior to final approval of the proposed project.
 27. The applicant shall pay park impact mitigation fees or other forms of negotiated impact mitigation directly to the City of Mukilteo in accordance with MMC 3.105 or similar requirements associated with the Growth Management Act. Payment of the park impact mitigation shall be made to the City prior to building permit issuance. The total fee or

mitigation amount shall be based on the mitigation fee established in MMC 3.105 in effect at the time of fee payment.

28. The applicant shall pay school impact mitigation fees or other forms of negotiated impact mitigation directly to the City of Mukilteo in accordance with MMC 3.100 or similar requirements associated with the Growth Management Act. Payment of the school impact mitigation shall be made to the City of Mukilteo prior to building permit issuance. The amount of the fee due shall be based on the fee schedule in effect at the time of building permit application.
29. The applicant shall pay transportation impact mitigation fees for each new pm peak hour trip generated by the proposed development, or other forms of negotiated impact mitigation directly to the City of Mukilteo in accordance with Ordinance 1131 and 1132 effective July 27, 2005. The amount of the fee due shall be based on the fee schedule in effect at the time of fee payment. The transportation impact mitigation fee is due prior to building permit issuance.

The project permit shall be valid for three (3) years from the date of this Notice of Decision. If a building permit, grading permit, or occupancy permit is not obtained within this period, the project permit shall become null and void, and a new project permit application would need to be submitted. The Planning Director may grant an extension to the approval date for a period of one (1) year if such is requested prior to the expiration of the project permit.

Any violation of the Conditions of Approval shall be considered a violation of the project permit and shall be subject to the City's code enforcement procedures.

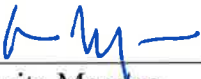
Appeals

A Party of Record must file an appeal of this project decision within fourteen (14) calendar days from issuance of this Notice of Decision. Appeals must be delivered to the City Clerk by mail, personal delivery, or other method, during normal business hours by **4:30 p.m., Monday, August 1, 2016**, at City Hall, 11930 Cyrus Way, Mukilteo, WA 98275. Appeals shall be in writing on the approved form with the required information provided, accompanied by an appeal fee as outlined in the city's most current fee resolution, and shall include the appellant's signature.


Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For information regarding property valuations and/or assessments, contact the Snohomish County Assessor's Office at (425) 388-3433.

Contact Person: Anita Marrero

(425) 263-8044


Anita Marrero
Planning Department


7/12/16
Date:


Rob McGaughey, P.E.
Public Works Director

12 July/16
Date:


Willie Berns
Building Official

7/12/16
Date:


LeRoy McNulty
Fire Marshal

7/12/16
Date:



Location Map

pc: Applicant
Property own. w/i 300 ft.
Parties of Record (if any)
Review Agencies

Planning Director
CDD Administrator
City Administrator
Permit Services Supervisor

Permit Services Technicians (2)
SEPA File
File Copy (2)